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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/717,448	11/20/2000	Dale F. McIntyre	81884F-P	1988

1333 7590 09/09/2003

PATENT LEGAL STAFF
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ROCHESTER, NY 14650-2201

EXAMINER

RHODE JR, ROBERT E

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 09/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/717,448

Applicant(s)

MCINTYRE ET AL.

Examiner

Rob Rhode

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

The office action of 05-16-03 rejected claims 1, 8 and 15 as unpatentable over Zander in view of dotphoto. Claims 2 – 5 and 10 - 13 were rejected as unpatentable over the combination of Zander and dotphoto in view of Sheridan. Remaining claims 6 – 7 and 14 – 15 were rejected as unpatentable over the combination of Zander and dotphoto in view of Fredlund.

Applicant amendment of 8-14-03 amended the specification and claims 1 and 9 as well as traversed rejections of Claims 1 - 15.

Currently, claims 1- 15 are pending.

Response to Arguments

Applicant's arguments with respect to claims 1 - 15 have been considered but are moot in view of the new ground(s) of rejection. Of note, the new art is Shiota (US 6,324,521 B1), which addresses providing a network photograph service.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Zander (US 5,923,906) and dotphoto.com web pages

captured via the WayBack Machine (www.archive.org) and hereafter referred to as “dotphoto” in view of Shiota (US 6,324,521 B1).

Regarding claims 1, 8 and 9, Zander, dotphoto and Shiota teach a method of providing image goods and/or services to more than one party located at different locations, comprising the steps of: where Zander teaches providing a camera for substantially simultaneously capturing an image both electronically and on a photosensitive media by a customer (see at least Col 1, lines 23 – 32 and Figures 1, 2, 4 and 16). Please note and as disclosed by applicant in their specification, hybrid cameras are described in Leidig - US Patent 5,822,625. These hybrid cameras as disclosed in Leidig require film (photosensitive media). In this regard, these cameras could have been distributed (i.e. provided) via the method disclosed and taught by Zander – since they do require film and/or when obtaining these cameras directly from a retail camera store.

However, Zander does not specifically disclose or teach transmitting said electronic image to a third party at a location remote from said customer along with additional data, said additional data identifying said image with respect to said photosensitive media; and said service provider assembling the order upon receipt of the photosensitive media.

On the other hand, dotphoto discloses and teaches transmitting said electronic image to a third party at a location remote from said customer along with additional data, said

additional data identifying said image with respect to said photosensitive media (Pages 2, 6 and 7); and said service provider assembling the order upon receipt of the photosensitive media (Page 5).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the method of Zander with the method of dotphoto to enable providing image goods and/or services to more than one party located at different locations, comprising the steps of: providing a camera for substantially simultaneously capturing an image both electronically and on a photosensitive media by a customer; transmitting said electronic image to a third party at a location remote from said customer along with additional data, said additional data identifying said image with respect to said photosensitive media; and said service provider assembling the order upon receipt of the photosensitive media – in order for a customer to select an appropriate camera such as a hybrid camera to take pictures and providing a service for developing and sharing the photos with friends and family as well as paying for the pictures/images. In that regard, the customer has the convenience of sharing the pictures with others, selectively via e-mail and selected customers placing an order for photographs too. With this convenience, the customer's satisfaction will be increased - with the service provider, which will increase the probability that they will use the service again as well as recommending the service provider to others.

The combination of Zander and dotphoto disclose and teach key components of these claims.

However, the combination of Zander and dotphoto does not specifically disclose and teach said customer and/or said third party having the ability for placing an order with a service provider for at least one good and/or service with respect to said image on said photosensitive media associated using said electronic image prior to said service provider receiving said photosensitive media.

On the other hand, Shiota discloses and teaches said customer and/or said third party having the ability for placing an order with a service provider for at least one good and/or service with respect to said image on said photosensitive media associated using said electronic image prior to said service provider receiving said photosensitive media (see at least Abstract, Col 1, lines 21 – 24, Col 2, lines 37 – 38 and Figures 1 – 3). Please note and as taught by Leidig and by Shiota, a hybrid camera will provide the method to permit the customer to use the image by calling up the image from memory – prior to said service provider receiving said photosensitive media.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the combination of Zander and dotphoto with the method of Shiota to have enable providing image goods and/or services to more than one party located at different locations, comprising the steps of: providing a camera for substantially simultaneously capturing an image both electronically and on a photosensitive media by

Art Unit: 3625

a customer; transmitting said electronic image to a third party at a location remote from said customer along with additional data, said additional data identifying said image with respect to said photosensitive media; said customer and/or said third party placing an order with a service provider for at least one good and/or service with respect to said image on said photosensitive media associated with said electronic image; and said service provider assembling the order upon receipt of the photosensitive media – in order for a customer to select an appropriate camera such as a hybrid camera to take pictures and providing a service for developing and sharing the photos with friends and family as well as paying for the pictures/images. In that regard, the customer has the convenience of sharing the pictures with others, selectively via e-mail and selected customers placing an order for photographs too. With this convenience, the customer's satisfaction will be increased - with the service provider, which will increase the probability that they will use the service again as well as recommending the service provider to others.

Claims 2 – 5 and 10 – 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Zander (US 5,923,906), dotphoto.com web pages captured via the WayBack Machine and Shiota (US 6,324,521 B1) as applied to claims 1 and 9 above, and further in view of Sheridan (US 5,760,917).

The combination of Zander, dotphoto and Shiota substantially disclose and teach the applicant's invention.

However, the combination of Zander, dotphoto and Shiota does not specifically disclose and teach a method wherein said additional data comprises a database location at which said order may be electronically accessed by said service provider for determining if additional orders exist with respect to said images; and wherein said customer advises said service provider that said image has been forwarded to said third party for potential placement of an order with respect to said image; and wherein said customer forwards to said service provider the e-mail address of said third party to which said digital image has been forwarded – as well as wherein said service provider forwards electronically to said customer and said third party confirmation that said order has been received.

Regarding claim 2 and related claim 10, Sheridan teaches a method wherein said additional data comprises a database location at which said order may be electronically accessed by said service provider for determining if additional orders exist with respect to said images (Col 2, lines 58 – 67).

Regarding claim 3 and related claim 11, Sheridan teaches a method wherein said customer advises said service provider that said image has been forwarded to said third party for potential placement of an order with respect to said image (see at least Abstract) and regarding claim 4 and related claim 12, Sheridan teaches a method

wherein said customer forwards to said service provider the e-mail address of said third party to which said digital image has been forwarded (Col 2, lines 28 – 30).

Regarding claim 5 and related claim 13 wherein said service provider forwards electronically to said customer and said third party confirmation that said order has been received. Please note, Sheridan does not specifically teach regarding "order confirmation", this capability of order confirmation for online shoppers – regardless of the party involved in the ordering is old and well known to one of ordinary skill in the art.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the combination of Zander, dotphoto and Shiotu with the method of Sheridan to enable providing wherein said additional data comprises a database location at which said order may be electronically accessed by said service provider for determining if additional orders exist with respect to said images; and wherein said customer advises said service provider that said image has been forwarded to said third party for potential placement of an order with respect to said image; and wherein said customer forwards to said service provider the e-mail address of said third party to which said digital image has been forwarded as well as wherein said service provider forwards electronically to said customer and said third party confirmation that said order has been received – in order to have provided the capability for the service provided to ease the online shopping process for all parties. In that regard and with these added features, the online party's satisfaction will be increased and thereby increasing the

probability that they will return in the future for their film developing needs as well as recommending the site to others.

Claims 6 - 7 and 14 - 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Zander (US 5,923,906), dotphoto and Shiota (US 6,324,521 B1) as applied to claims 1 and 9 above, and further in view of Fredlund (US 5,666,215).

The combination of Zander, dotphoto and Shiota substantially disclose and teach the applicant's invention.

However, the combination of Zander, dotphoto and Shiota does not specifically disclose and teach wherein said customer provides a predetermined amount of credit which may be charged to said customer with respect to ordering of goods and/or services by said third party and wherein said information forwarded to said third party further includes a computer software program whereby the order can be automatically forwarded to said service provider by selecting from pre-designated options provided in addition to said images..

Regarding claim 6 and related claim 14, Fredlund teaches a method wherein said customer provides a predetermined amount of credit which may be charged to said

customer with respect to ordering of goods and/or services by said third party (Col 2, lines 40 – 44).

Regarding claim 7 and related claim 15, Fredlund teaches a method wherein said information forwarded to said third party further includes a computer software program whereby the order can be automatically forwarded to said service provider by selecting from pre-designated options provided in addition to said images (Col 2, lines 45 – 56).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the combination of Zander, dotphoto and Shiota with the method of Fredlund to have enable said customer provides a predetermined amount of credit which may be charged to said customer with respect to ordering of goods and/or services by said third party and wherein said information forwarded to said third party further includes a computer software program whereby the order can be automatically forwarded to said service provider by selecting from pre-designated options provided in addition to said images – in order to have provided the additionally capabilities for customers to allow others to charge to certain credit limit as well as providing other items to purchase. In that regard, the customer's satisfaction will be enhanced as well potentially increasing the revenue for the service provided by including additional accessories to be purchased with each order and thereby potentially increasing the revenue for the service provider.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rob Rhode whose telephone number is 703.305.8230. The examiner can normally be reached on M-F 7:30am - 4:00pm.

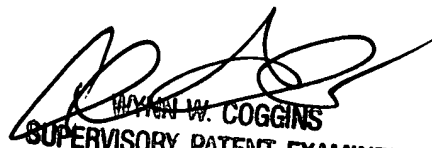
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 703.308.1344. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.306.1113.

Application/Control Number: 09/717,448
Art Unit: 3625

Page 12

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